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Substitute for form 1449A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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Sheet 2 of 2 Attorney Docket Number 39262/287702

Application Number	10/673,833
Filing Date	September 29, 2003
First Named Inventor	Darin GERLACH
Group Art Unit	3764
Examiner Name	
Attorney Docket Number	39262/287702

## FOREIGN PATENT DOCUMENTS

## OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Frigg, et al. "LCP: The Locking Compression Plate System," <i>Bone Zone</i> (undated)	
		Brochure entitled "INTRODUCING PEAK™ POLYAXIAL ANTERIOR CERVICAL PLATE, by DEPUY MOTECH, one page, undated	
		Brochure entitled "INTRODUCING THE PROFILE™ ANTERIOR THORACOLUMBAR COMPRESSION PLATE, by DUPUY MOTECH, one page, undated	
		Marti, et al., "Biomechanical Evaluation of the Less Invasive Stabilization System for the Internal Fixation of Distal Femur Fractures," <i>Journal of Orthopaedic Trauma</i> , 15(7):482-487, 2001	

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

		Application Number	10/673,833
		Filing Date	September 29, 2003
		First Named Inventor	Darian Gerlach, et al.
		Art Unit	3764
		Examiner Name	Unknown
Total Number of Pages in This Submission		Attorney Docket Number	39262/287702

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <b>PTO/SB/08A (2 sheets)</b> <b>11 Publications</b>
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Geoffrey K. Gavin, Reg. No. 47,591 Kilpatrick Stockton LLP
Signature	
Date	February 27, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Colleen Kadian	Date	February 27, 2004
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
Darian Gerlach, et al. )  
Serial No.: 10/673,833 ) Art Unit: 3764  
Filed: September 29, 2003 ) Examiner: unknown  
For: **BONE PLATES AND BONE PLATE** )  
**ASSEMBLIES** )

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Attorney Docket No. 39262/287702

Date: February 27, 2004

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**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner. The Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003.

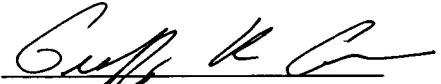
Therefore, Applicants have not provided copies of the cited U.S. patents at this time.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made, or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

U.S. Serial No. 10/673,833  
Filed: September 29, 2003  
INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement is being filed before the issuance of a first office action on the merits of the application (37 C.F.R. 1.97(b)(3)); therefore, no fee is believed to be due. If a fee is due, the Commissioner is authorized to charge such fee and any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,



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PTO/SB/08A (10-01)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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*Complete if Known*

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First Named Inventor	Darin GERLACH
Group Art Unit	3764
Examiner Name	

Attorney Docket Number

39262/287702

## U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		Re. 31,628	07/10/1984	Allgower, et al.	
		4,484,570	11/27/1984	Sutter, et al.	
		5,085,660	02/04/1992	Lin	
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		6,506,191	01/14/2003	Joos	
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		2001/0047174	11/29/2001	Donno et al.	
		2001/0037112	11/01/2001	Brace et al.	

Examiner Signature

**Date Considered**

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